

**Minutes of the
City Council Meeting
February 16, 2012**

I. Call to Order

Mayor Matt Newby called the meeting to order at 7:06 p.m. on Thursday, February 16, 2012 in the Newark Municipal Building located at 209 Hudson Street, Newark, Texas. Those present were Mayor Matt Newby, Mayor Pro Tem Laura Pixler, Council Member Bob Wells, Council Member Chana Massey, Council Member Doug Anderson, Public Works Director Shawn Bartlett, City Administrator Diane Rasor, and Brad Scott.

II. Invocation - The invocation was delivered by Council Member Anderson.

III. Mayor's Report

The Mayor announced the Lakeside Sports Bar and Grill's ribbon cutting is Saturday, February 24, 2012 at 12:00 p.m.

IV. Citizens Comments

Robert Hernandez stated he would like to open a body shop at the warehouse on McCanne and FM 718. The property is not zoned for this type of business. Mr. Hernandez was directed to request a variance.

V. Consent Agenda – A. Approval of January 12th and 19th Council minutes. B. Approval of Accounts Payable. C. Approval of Financial Data for January – February 2012. D. Approval of Staff Reports.

Council Member Wells moved to approve the consent agenda items A through C minus the January 12, 2012 minutes; Mayor Pro Tem Pixler seconded the motion. All approved. Motion passed.

VI. Regular Meeting

1. Consider and act on adopting a Resolution approving the actions of the Newark Cultural Educational Facilities Finance Corporation entering into a \$20,000,000 Loan Agreement with the Wood Forest National Bank for the benefit of the John Cooper School to finance and refinance educational facilities approving other matters related thereto.

Council Member Anderson moved to approve the Resolution approving the actions of the Newark Cultural Education Facilities Finance Corporation for the \$20,000,000 loan agreement; Council Member Wells seconded the motion. All approved. Motion passed.

2. Consider and act on adopting a Resolution approving the actions of the Newark Cultural Educational Facilities Finance Corporation Lease Revenue Bonds (A.W. Brown-Fellowship Leadership Academy) Series 2012A, and Taxable Lease Revenue Bonds (A.W. Brown-Fellowship Leadership Academy) Series 2012B, Lease with Option to Purchase; Trust Indenture; Bond Purchase Agreement; a Public Hearing; and other matters in connection therewith.

No action taken on this item.

3. Consider and act on increasing the funds in the budget for Code Enforcement Activities and adding a line item for Library Security.

Since the Library is now paying a monthly fee for security, a line item should be added to the budget to reflect this fee. Ms. Linda Anderson gave a brief summary of the Code Enforcement class she and Diane Rasor attended. She stressed the need for code enforcement in the city stating the goal of code enforcement is to inspect, improve and rehabilitate. Ms. Anderson challenged the Council to drive through the city and ask themselves if they would live in certain neighborhoods. Council Member Massey asked for a stepped plan to be brought back to the council for consideration. A budget workshop was scheduled for Thursday, April 5, 2010 and to also discuss this item.

4. Consider and act on allocating funds for clean-up of lots on Killough Street.

Ms. Anderson explained the manufactured home next door to her was foreclosed on and a contractor was hired to clean the inside of the home. The contractor threw everything in the house into a big pile in the backyard. She spoke with Vanderbuilt Mortgage and they are planning on sending someone to clean up the mess and move the home out in the next three weeks. Mayor Newby suggested sending a letter to Vanderbuilt Mortgage concerning cleaning the property.

5. Consider and act on Resolution No. 270 calling for a General Election to be held on May 12, 2012; appointing an Election Judge; authorizing the Mayor to execute an agreement for a joint election with Northwest Independent School District; and establishing other procedures for conducting the election.

Mayor Pro Tem Pixler moved to Resolution No. 270 calling for a General Election to be held on May 12, 2012, appointing an election judge and authorizing the Mayor to approve a joint election; Council Member Massey seconded the motion. All approved. Motion passed.

6. Consider and act on approving the Agreement between the City of Newark and the Wise County Elections Office for election services for an election to be held on May 12, 2012 and authorizing the Mayor to sign the agreement.

Mayor Pro Tem Pixler moved to approve the agreement between the City of Newark and the Wise County Elections' Office for election services for an election to be held on May 12, 2012 and authorizing the Mayor to sign the agreement; Council Member Massey seconded the motion. All approved. Motion passed.

7. Consider and act on Resolution No. 269 suspending the March 6, 2012 effective date of Atmos Energy's requested rated change to permit the City time to study the request and to establish reasonable rates.

Council Member Wells moved to approve Resolution No. 269; Council Member Massey seconded the motion. All approved. Motion passed.

8. Consider and act on the City of Newark's Financial Statements (audit) ending September 30, 2011.

Council Member Wells moved to approve the audit statement for the fiscal year ending 2011; Council Member Anderson seconded the motion. All approved. Motion passed.

9. Consider and act on allocating funds and approving replacing the roof on the Library at 207 Hudson Street.

Mayor Newby worked up a cost for a contractor to rip off the roof and replace it with a torch down roof (Rubberized Roofing).

Council Member Wells moved to authorize the Mayor to spend up to \$4,000 to replace the roofing; Council Member Massey seconded the motion. All approved. Motion passed.

10. Consider and act on paying the buy back amount from TXU Energy to have the Newark Volunteer Fire Department removed from the City's account.

The buyback amount for the five year contract is \$1,200. Mayor Pro Tem suggested having the Fire Department sign an agreement stating at the end of this contract the electric for their account would be removed from the City's invoices. No action taken on this item.

11. Discussion and possible action on a sandblasting bid for refurbishing the water tower on FM 718.

Council Member Massey received a bid to have the tower sandblasted, however to paint the tower is more arduous than she realized. She received a bid for the sandblasting and painting \$11,000. That does not include the logo on the top of the tower. The Council discussed generating a priority list for projects.

12. Consider and act on allocating funds to remove asbestos from the "old gym" located at 209 Hudson.

Asbestos was found to be present in the building. The estimate for abating asbestos is approximately \$19,000. He suggested tabling this item until money is found for this project.

13. Discussion and possible action on current repairs to the sanitary sewer and water systems and reallocating funds of \$2,678 from budget line item #902-Chlorinator to upgrade water meters and purchase a small welder.

Council Member Wells moved to reduce account 902 – chlorinators by \$2,678 and increases account 944 by \$2,678; Mayor Pro Tem Pixler seconded the motion. All approved. Motion passed.

14. Consider and act on Council Member Wells' and Kirk Franklin's recommended changes to the Newark Code of Ordinances.

Council Member Anderson moved to adopt the Memorandum of Understanding that Council Member Bob Wells and Kirk Franklin are recommending; Council Member Massey seconded the motion. All approved. Motion passed.

15. Update on the Roger's Road project.

Council Member Wells explained this project was supposed to begin in November, however due to the sewer issues it has been postponed indefinitely. Public Works is addressing some of the drainage issues on Roger's Road. A letter needs to be written to the letters on Rogers Road notifying them of the delay.

16. Consider and act on continuing Stage 1 of the City's Drought Contingency Plan.

Mayor Pro Tem Pixler moved to continue Stage 1 of the Drought Contingency Plan for another thirty days; Council Member Massey seconded the motion. All approved. Motion passed.

VII. Executive Session – The City may enter into executive session during the meeting to seek legal advice from its attorney on any posted agenda item, or to discuss any item that is authorized by the Texas Open Meetings Act to be discussed in closed session, including:

Section 551.074, Government Code, to deliberate regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

- Follow up evaluation of Public Works employee Brad Scott.

Section 551.071. Government Code – Consultation with Attorney: A governmental body may not conduct a private consultation with its attorney except: (1) when the governmental body seeks the advice of its attorney about: (A) pending or contemplated litigation; or (B) a settlement offer; or (2) on a matter in which the duty of the attorney to the governmental

body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.

- Contract with AT&T Phone Service

The Council entered into executive session at 8:37 p.m. and returned to open session at 10:10 p.m.

17. Consider and act on executive session item(s).

Council Member Massey moved to terminate Brad Scott for failure to make probation; Council Member Wells seconded the motion. All approved. Motion passed.

Council Member Massey moved to authorize the Mayor to enter into an agreement with CBeyond pending the advice of the attorney; Mayor Pro Tem Pixler seconded the motion. All approved. Motion passed.

18. Adjourn.

The meeting is adjourned at 10:13 p.m.

APPROVED:



Matt Newby, Mayor



ATTEST:



Diane Rasor, City Administrator